IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 21021 of 2007(C)

PETITIONER:

SARITHA.K.N.,D/O.NARENDRAN,
SATHEERTHYAM,WEST KADUGALLUR,ALUVA,ERNAKULAM.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS CHAIRMAN,VYDHYUTHI BHAVAN,
PATTOM,THIRUVANANTHAPURAM.

2. THE EXECUTIVE ENGINEER,KERALA STATE
ELECTRICITY BOARD,ELECTRICAL DIVISION,ALUVA WEST.

3. THE SUB ENGINEER IN CHARGE
K.S.E.B.,ELECTRICAL SECTION,
ALUVA WEST.

4. PAULACHAN, LINEMEN,
K.S.E.B., ELECTRICAL SECTION,
ALUVA WEST.

5. GOPALAKRISHNAN,N S/O,NARAYANANNAIR
VEETTIKAL HOUSE, KADUNGALLUR WEST ALUVA.

R1 TO R4 BY ADV. SRI.P.P.THAJUDEEN, SC, K.S.E.B
R5 BY ADV. SRI.BIJU ABRAHAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ELECTRICITY BILL DATED 24.5.2007 ISSUED BY THE THIRD RESPONDENT.

EXT.P2 TRUE COPY OF THE RECEIPT EVIDENCING PAYMENT OF BILL DATED 29.5.2007

EXT.P3 TRUE COPY OF THE COMPLAINT LODGED BEFORE THE THIRD RESPONDENT DATED 5.7.2007.

5TH RESPONDENT'S EXHIBITS:

EXT.R1 TRUE COPY OF THE JUDGMENT IN WP (CRL.) NO. 48 OF 2007

EXT.R2 TRUE COPY OF THE ORDER IN CRL.M.P. NO. 1259 OF 2007 DATED 11.6.2007 OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT, N. PARUR.

EXT.R3 TRUE COPY OF OWNERSHIP ISSUED BY THE KADUNGALLORE GRAMA PANCHAYATH IN FAVOUR OF 5TH RESPONDENT DATED 28.6.2007

EXT.R4 TRUE COPY OF THE BUILDING TAX PAID IN MY NAME BEFORE THE GRAMA PANCHAYATH ON 20.4.2007

EXT.R5 TRUE COPY OF LAND TAX RECEIPT PAID BY ME BEFORE THE VILLAGE OFFICE, ALANGAD IN RESPECT OF THE PROPERTY DATED 15.3.2007

EXT.R6 TRUE COPY OF THE TRANSFER OF OWNERSHIP OF SERVICE CONNECTION IN MY NAME IN RESPECT OF CONSUMER NO. 13574 DATED 18.7.2007 BY THE SUB ENGINEER, ELECTRICAL SECTION, ALUVA.

EXT.R7 TRUE COPY OF THE RECEIPT OF PAYMENT OF THE ELECTRICITY BILL DATED 27.7.2007

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 21021 OF 2007

Dated this the 9th day of August, 2007

JUDGMENT

Writ Petition is filed for direction to respondents 1 to 3 not to disconnect electricity supply available in the house in which petitioner is residing. The case of the petitioner is that petitioner started residing in the house along with her husband after her marriage in January, 2007. However, petitioner's husband is stated to have disappeared and petitioner is left alone in the house. Property is stated to be sold in February, 2007 to the 5th respondent by husband of the petitioner. According to the 5th respondent, since he has purchased the property, he is entitled to have the power supply disconnected at his request. Based on sale deed, consumer's name is stated to be changed to the name of the of fifth respondent. I do not think there is any need for this Court to consider the legality or propriety of the petitioner continuing to reside in the house. It is for the purchaser of the property to take steps in accordance with law to evict the petitioner, if he so desires. However, as long as petitioner is allowed to reside in the house, I see

no reason why the facility of power connection should be denied. Therefore there will be direction to respondents 1 to 3 to retain the power connection and allow the petitioner to enjoy supply as long as power bill is paid. Since fifth respondent is not residing in the house, he need not pay any electricity bill. However, KSEB will receive payments from the petitioner and if any payment is not made, then they are free to disconnect supply. Besides this, Ele. Board is entitled to cash security from the petitioner at least for average two months' electricity bills so that if petitioner fails to make payment, arrears could be recovered from such deposit. I make it clear that this judgment does not confer any right on the petitioner nor does it stand in the way of the fifth respondent proceeding for evicting the petitioner in accordance with law.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge